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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,038	09/22/2003	Ken Cheung	USP2109A-KC	7872
30265	7590	10/04/2007		
RAYMOND Y. CHAN			EXAMINER	
108 N. YNEZ AVE., SUITE 128			SOLD, JENA A	
MONTEREY PARK, CA 91754				
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			10/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/667,038	Applicant(s) CHEUNG, KEN	
	Examiner Jena A. Sold	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 23, 25, 28, 31 and 34-36 is/are rejected.
- 7) ☐ Claim(s) 22, 24, 26, 27, 29, 30, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 34-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is unclear what the applicant means by "a width of the edge portion of said arm sleeve is longer than a width of said blocking strap." How can a width of one feature be longer than a width of another feature? Does applicant mean that the arm sleeve is longer than the elastic retaining loop so that the blocking strap is positioned inside the sleeve with the sleeve covering said blocking strap? Contrarily, does applicant mean that the width of the sleeve is greater than the width of the blocking strap? For the purpose of further examination, Examiner assumes that applicant claims the arm sleeve having a greater width than the blocking strap so that the blocking strap may be positioned within the arm sleeve.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 21, 25, 28 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehrling (US 4,631,753). Regarding claim 21, Ehrling discloses a sleeve attachment for a multilayered protective coat comprising, as visible in Figure 3, outer shell sleeve 12, applicant's fabric made arm sleeve having an outer side, an opposed inner side 54, and a free edge defining an edge portion (column 2, lines 52-53). Ehrling further discloses annular cuff reinforcement member 38 (column 3, lines 20-21), applicant's protective layer. As visible in Figure 3, protective layer 38 is overlapped on and encircled with sleeve 12, having an upper edge attached to the outer side below an elbow of the user's arm, from where said layer 38 extends to the free edge of sleeve 12, folds inwardly into sleeve 12 and is attached to the inner side of said sleeve thus enclosing said edge portion therein. Additionally, Ehrling discloses waterwell member 50, applicant's blocking strap, having circularly-shaped elastic member 62 attached thereto, in combination anticipating applicant's elastic-retaining loop (column 3, lines 36-52). An inner edge 60 and outer edge 52 extend from the inner side of sleeve 12 at the edge portion thereof, as visible in Figure 3, the inner edge 60 containing elastic member 62 for binding around a user's arm and wrist so as to retain said arm sleeve in position.
3. Regarding claim 25, as visible in Figure 3, the inner edge of blocking strap 50 is folded to form a pocket to receive and retain elastic member 62.
4. Regarding claim 28, Ehrling discloses end 52, applicant's outer edge, to the inner surface 54 of sleeve 12 by sewing, thus forming a circumferential attachment (column 3, lines 40-48).

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5. Regarding claim 34, as visible in Figure 3, the edge portion of the arm sleeve is wider than the blocking strap having the elastic portion, so that said blocking strap having said elastic portion is capable of being positioned and retained above the free edge end of the sleeve.

6. Claims 21, 28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hewitt (US 5,388,270). Hewitt discloses a firefighter's coat comprising outer shell 12 having sleeve 24, applicant's fabric made arm sleeve having an outer side, inner side and free edge 26 defining an edge portion thereat, as visible in Figure 6 (column 2, lines 53-55). Hewitt further discloses the sleeve cuff is reinforced with an extra layer 36 of outer shell material, applicant's sleeve protection layer, overlapped on and encircled with said arm sleeve 24 and having an upper edge attached to the outer side below a user's elbow and a lower edge inwardly folded into said arm sleeve to encirclingly enclose free edge 26. Hewitt additionally discloses annular portions 50 and 90, applicant's blocking strap, having attached thereto wrister 28 comprising knitted elasticized NOMEX® material, applicant's circular elastic element. (column 3, lines 13-52). Annular portions 50 and 90, in combination, have an inner edge and an outer edge extended from the arm sleeve's inner side at free edge 26 and connected to said wrister 28 at its inner edge, said wrister 28 applying elastic binding force to the user's arm at the wrist.

7. Regarding claims 28 and 31, Heaton discloses stitching 38, applicant's one line of affixing spots, connecting annular portion 50 of the blocking strap to fabric sleeve 24

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and sleeve protection layer 36. As visible in Figure 6, stitching 38 is continuously aligned along free edge 26 of sleeve 24 at said inner side thereof.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hewitt (US 5,388,270). Hewitt discloses the invention substantially as claimed and as previously discussed including a fabric sleeve having a protective layer attached thereto and wrapping around the free edge of the sleeve. Hewitt further discloses the protective layer may be made of the same material as the sleeve – that is, NOMEX® material having a water repellent finish such as neoprene (column 2, lines 29-35). Hewitt fails to disclose a silicone rubber coating rather than a neoprene coating, neoprene being a synthetic rubber. Present applicant's disclosure, however, fails to reveal any criticality in a silicone rubber material rather than another kind of rubber material, such as neoprene, nor does it disclose said structure to offer any particular advantage, serve any particular purpose, or solve any particular problem that would not have been solved by a neoprene protection layer rather than a silicone rubber protection layer. Thus, it would have been obvious to one of ordinary skill in the art to provide the NOMEX® extra layer 36 with a silicone rubber coating rather than a neoprene rubber coating

because both coatings are heat resistant and water resistant and silicone rubber is less expensive to manufacture.

***Allowable Subject Matter***

9. Claims 22, 24, 26, 27 and 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form 892 enclosed herewith.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jena A. Sold whose telephone number is (571) 272-8610. The examiner can normally be reached on Mon. - Fri. 9:00 A.M. to 5:00 P.M..

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

/Alissa L. Hoey/  
Primary Examiner, Art Unit 3765